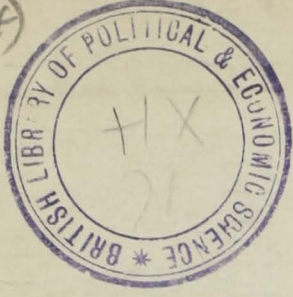


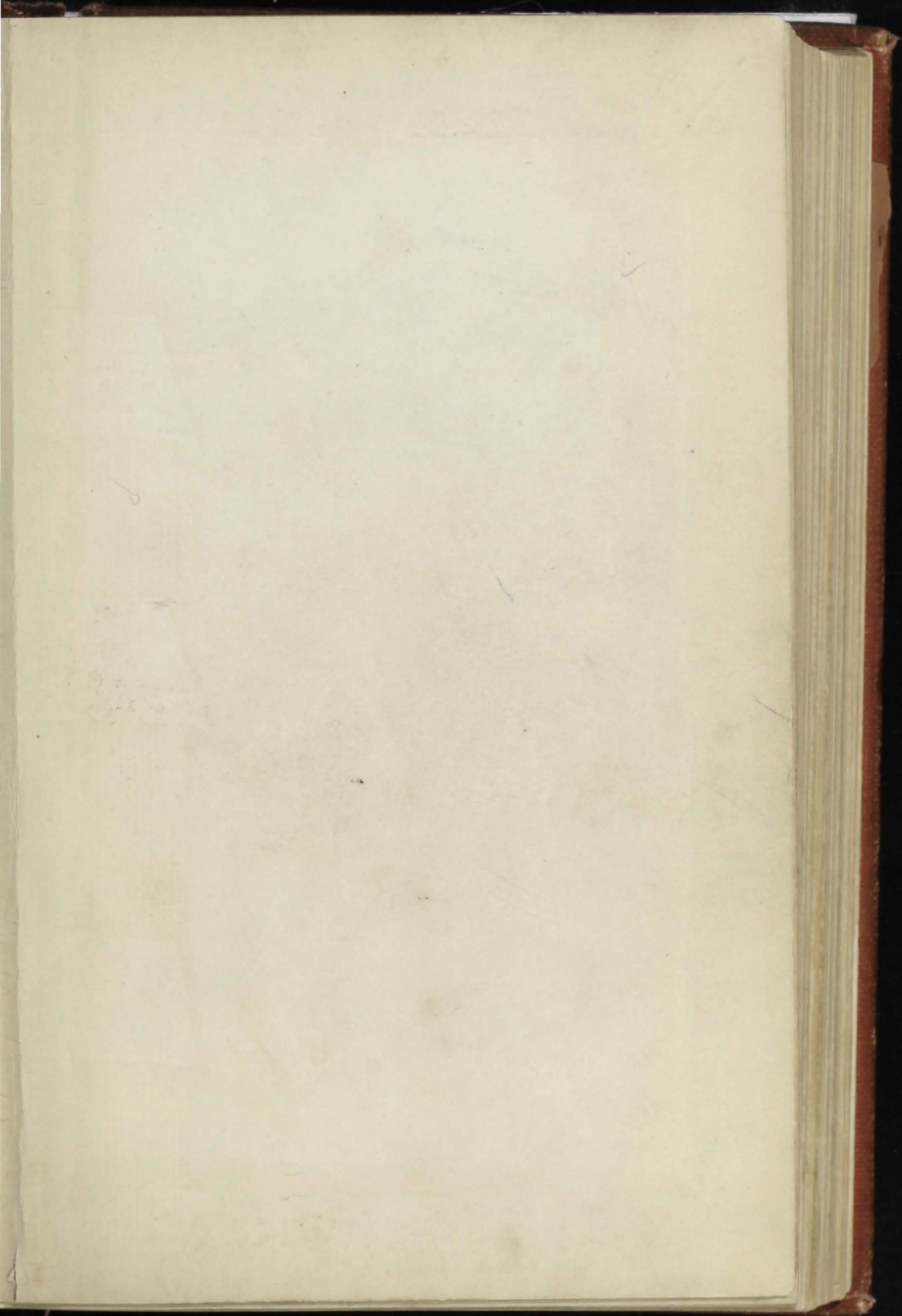
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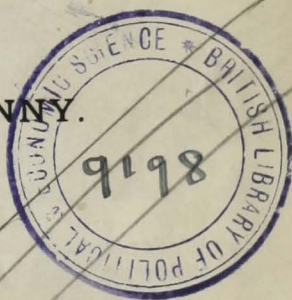
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THE ABOLITION OF POOR LAW GUARDIANS.

The New Heptarchy Series, No. 5.

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THE ABOLITION OF POOR LAW GUARDIANS.

The Report of the Committee of the Society appointed to consider the Reform of the Poor Law, presented to the Society on 8th December, 1905, by EDWARD R. PEASE, the Secretary of the Committee, and subsequently adopted.

The Anarchy of Local Government.

THE growth of English Local Government, like that of the Parliament and the Cabinet, has been controlled by chance or the necessities of the moment, and the result has been an absence of system which at times has led to intolerable confusion.

Of late this ancient chaos has yielded to the need for order, and within the past two decades a series of reconstructive measures have reformed many old abuses and have placed the greater part of our local government on a comparatively sound basis.

The first of these steps towards reorganization was made by the Local Government Act of 1888, which established county councils. Since that date the rest of the local authorities of England have been overhauled and reconstituted, except the municipal boroughs, which had been reformed at a much earlier period (1835); the City of London, which remains a venerable relic of mediæval methods combined, in fact, with a certain measure of modern efficiency; and the boards of guardians.

It is true that their electoral machinery was brought up to date in 1894, but in other respects their constitution was practically unaltered.

The chief peculiarities of the guardians are two. They are, with insignificant exceptions, the only remaining *ad hoc* elected bodies, that is, elected to perform one function of government. And secondly, the areas they control are the only ones which bear no fixed organic relation to the other areas of local government.

The Origin of Poor Law Unions.

This irregularity, like the other anomalies of our system of government, is due to historical causes, and to the necessity in English politics for reform instead of revolution. Our political architects are bound to build upon the old foundations and to re-adapt designs drafted in remote ages.

The unit of local government is generally the parish, which varies in size according to the density of population in the days of the Saxons, modified by occasional piecemeal alterations in later centuries. By the Poor Law Act of 43rd Elizabeth each parish was made responsible for its own poor. During the eighteenth century certain parishes were incorporated for poor law purposes, and about 924 other parishes were united into 67 incorporations under Gilbert's Act of 1782. By the Poor Law Amendment Act of 1834, unions of the remaining parishes, 13,536 in number, were constituted throughout the whole of England and Wales; but as the Gilbert incorporations were unions of parishes often not contiguous, the task of uniting the remainder into other unions of convenient area was difficult, and sometimes impossible. Thus it came about that a union of parishes, formed originally for poor law purposes only, bore no necessary relation to the other existing local boundaries. Corporate towns with a keen sense of civic solidarity were split up between two or three unions, and the fragments were cemented to adjoining rural parishes otherwise in no respect organically or naturally connected with them. Even the ancient boundaries of the counties were not respected, and unions still exist composed of parishes in two and even three administrative counties.

A certain rearrangement has since been made, but the confusion to a great extent remains; and the results of it are in many respects more unfortunate, since other important duties besides the care of the poor have in later years been laid on the guardians.

The Relation of Unions to other Local Government Areas.

At present the whole of England and Wales is divided into unions of parishes for poor law purposes. In a few cases, chiefly in London, the guardians control but a single parish. This is not strictly a "union," but the distinction is only technical, and we shall use the word union as meaning the area of a board of guardians, whether covering many parishes or only one.

The following table, kindly supplied to us by the Local Government Board, shows how these unions were distributed in July, 1905, in relation to other local government areas:—

POOR LAW UNIONS* IN ENGLAND AND WALES (INCLUDING LONDON).†

	London	Rest of England and Wales	England and Wales (including London)
Number of unions wholly composed of rural parishes... ..	—	†114	†114
Number of unions co-extensive with or included in a single borough or other urban district... ..	25	‡31	56
Number of unions consisting of rural parishes together with one (or more) complete boroughs or other urban districts... ..	—	§377	§377
Number of unions consisting of parts of one (or more) boroughs or other urban districts, together with other urban or rural parishes... ..	—	79	79
Number of unions not included above	6	¶13	19
Total number of poor law unions... ..	31	†614	†645

* Poor law unions include separate parishes under the jurisdiction of boards of guardians.

† Excluding the Isles of Scilly.

‡ Including thirteen unions, each of which forms part only of the borough in which it is situated.

§ Including Dudley Union, which contains a small area not technically urban.

|| Including fourteen unions which comprise wholly urban areas.

¶ Each of these unions comprises the whole of two or more boroughs or other urban districts.

From this table it will be seen that in about seventeen per cent. of the cases the area managed by the board of guardians precisely coincides with that managed by the rural district council. In these cases, it will be recollected, the guardians and the rural district councillors are the same persons, elected both to manage local government and to take care of the poor.

In another category of unions, forming nearly nine per cent. of the whole, the area of the guardians coincides with or is included in that of a local sanitary authority, whether metropolitan or other borough, or an urban district council.

In the remaining cases, forming nearly seventy-five per cent. of the whole in number, the problem of reconstruction is more complicated, because it involves a readjustment of areas.

The Duties of the Guardians.

Until 1894 the guardians had many duties in addition to the care of the poor. At present they are the authority for administering the Vaccination Acts and (except in London) the Infant Life Protection Act (against baby farming); they appoint the local registrars for births and deaths, and provide (often at the workhouse!) the local offices for civil marriage; and they are responsible for the poor rate assessment upon which practically all local rates are based.

The assessment is made by the overseers, but on the assessment committee of the guardians falls the duty of revising the list, and of hearing and determining appeals by objectors. Municipal boroughs can make their own assessment for their own rate, but in practice the power is not often exercised.

This complex system leads actually to waste. Each parish (*e.g.*, in Hull, where there are ten parishes) has its separate establishment for rate collection.

It is, however, needless to labor the point. It is obvious that the guardians, elected as they are for the care of the poor, should not have left to them other small but important duties of a totally different character. Whether the care of the poor should or should not be transferred to another local authority, it will scarcely be denied that the remnant of other local governing duties still retained by the guardians should be handed over to the authority elected for the general purposes of local government.

During the session of 1904 the Government introduced an excellent Bill transferring the duties of valuation for the purposes of the rates from the guardians to the county authorities, but owing to want of time it was not passed.* The proposals of this Bill will no doubt in due time become law, and it is not necessary to argue that the Vaccination and Infant Life Protection Acts, which belong to the domain of public health, should be transferred to the local sanitary authority in each area.

The remaining duties of the guardians are the care of the poor.

The Four Stages of Poor Law Philosophy.

The purpose of this paper is to discuss the machinery of the poor law, and not the principles of poor law administration.† But the urgency of the proposed reform depends to a great extent on the inability of existing boards of guardians to keep abreast of modern social science, and to explain this a brief sketch of the four periods of poor law philosophy is necessary. Other stages of thought there were of great historic, but of little present political importance, which for our purposes may be disregarded.

* A Bill to amend the Law with respect to Valuation Authorities, etc. No. 166. 26 April, 1904.

† For the latter see Fabian Tract No. 54, "The Humanizing of the Poor Law."

1. THE PROFITABLE WORKHOUSE PLAN.

The idea of the Elizabethan poor law was that the community, besides giving relief to the old and the impotent, should provide an opportunity for the unemployed to work, and at an early date workhouses were built expressly for the purpose their name implies. During the next two hundred years the genuine "workhouse" emerges at intervals always with high hopes, which were always doomed to disappointment. Then, as, indeed, often now, it was widely believed that the community could and should provide material and opportunity to work for those who could not find it for themselves, and that labor so organized would be profitable not merely to the character of the worker, but also in the commercial sense of the word. The expected profit was never permanently realized, and towards the end of the eighteenth century this idea was replaced by another.

2. THE "RATE IN AID OF WAGES."

This second dominant idea, originated in the eighteenth century, was systematized by the "Speenhamland Act of Parliament" of 1795, and prevailed up to 1834, not indeed universally, but very widely, especially in the southern counties. It gave rise to the principle that the community should guarantee to the poor a minimum income, and by the Speenhamland Act (a plan drawn up by the justices of Berkshire, and widely adopted elsewhere) this was graduated by a sliding scale according to the price of wheat and the size of the recipient's family. The wages paid by the farmers were supplemented out of the rates to produce the total family income adjudged necessary according to this scale.

The abuses to which this system gave rise were extraordinary. The services of paupers, that is, laborers, were sold by auction to the farmers; unemployed men were maintained doing useless work, not in times of exceptional distress, but habitually and constantly. The premium put on idleness and incapacity by the arrangements of society was preposterous. Reform was urgent, and it came with a rush.

3. THE SELF-SUFFICIENCY OF INDIVIDUALISM.

The reaction against the premature and inexpert collectivism of the old poor law led inevitably to the extreme individualism of the Amendment Act of 1834. Its principle was that each individual ought to be made to undertake the whole responsibility for his own maintenance and that of his family. In order to enforce this principle, the "workhouse test" was introduced, that is, the guardians were empowered to refuse outdoor relief and thus to compel the destitute to come into the workhouse. In the case of the able-bodied they were generally required to enforce this rule. Further, it was provided that life in a workhouse must be made less "eligible" than that of the worst-paid class of labor outside.

The reform had even greater results than its advocates anticipated. At the time and in the circumstances this stern and even

cruel system may have been necessary. It was intensely unpopular, but it undoubtedly reformed great evils and arrested a disease which might have proved fatal to the moral health of the community.

But its peculiar work is done. Two generations of severity have burnt the disgrace of pauperism into the hearts of the poor. The time is long forgotten when the agricultural laborer demanded out-relief as a regular supplement to his wages; when working class people who brought up families without assistance from the rates were recorded and even rewarded as persons of exceptional merit. Instead of this, a tradition of shame and degradation and disgust has become so firmly established that the poor frequently prefer actual death by starvation to the bare, but real, comfort of the modern workhouse.

The new school carried its principle to an absurd length. Its adherents honestly believed that agricultural laborers on ten shillings a week should be encouraged to spare, from the support of their families, sufficient to endow their own old age, and that they ought to be discouraged from early marriages and large families. The able men who designed and administered the new poor law were clever enough to discover that pauperism was not due to over-population,* but the Malthusian spectre oppressed the thoughts of most intelligent people of the Mid-Victorian period. Hence followed two inferences which in course of time became dogmas.

The first was that the workhouse must not be made too comfortable, nor out-relief given too freely even to the old, lest the workers be weakened in the practice of that rigid thrift by which alone their independence in old age could—it was vainly hoped—be secured. Moreover, economy in public money was the great Liberal doctrine. Retrenchment came second to peace and before reform. Expenditure under the old poor law was undoubtedly far too lavish, and he was esteemed the virtuous guardian who withstood all temptation to sanction indulgences which meant money from the rates, and the supposed demoralization of the working classes. The Charity Organization Society arose to crystallize this inference into adamantine maxims, and to enforce it at innumerable conferences. What wonder that the average guardian was gradually drilled into a system under which the aged had to choose between starvation on half a crown a week out-relief and the penal servitude of the workhouse; that the children were cooped up within the workhouse itself or herded in barrack schools, and driven to start in life with the minimum of general education and no training for anything save the lowest grades of unskilled labor.

Secondly, it was believed that in the multitude of children there was social danger, and also, an idea yet more strange and baseless, that the unskilled and uneducated laborers would marry earlier and breed more recklessly if they were assured that the poor law would make a liberal provision for their children in case of the illness or death of the father. Late marriages, few children, and constant

* *Nicholls' History of the Poor Law*. Vol. III. By T. Mackay. Chapter IX.

saving ; teetotalism, regular attendance at church or chapel, and a steady refusal to waste time and energy on political agitation or trade unionism and the strikes it was believed to promote, these (together with a cheerful acquiescence in such wages as it pleased the employers to pay), all blended and suffused with the roseate blessings of free trade (in labor as well as goods), were confidently believed by well-meaning middle class reformers to be certain to secure for every laborer an honest "village blacksmith" life of steady work and a happy Darby and Joan, rose-covered-cottage old age.

Lastly, the distinction now universally recognized between the pauper and the temporarily unemployed worker was unknown, forgotten, or ignored. Thanks to the teaching of Marx, it is now admitted that unemployment, sometimes caused by trade depression and always accompanying changes in industry, is a chronic, though, perhaps, slowly diminishing social disease ; that it is really different in character from permanent pauperism ; and that its remedy is neither to degrade the unemployed mentally and physically by idleness and starvation, nor to drive them into demoralizing association with the pauper class, and into unwholesome familiarity with the meagre methods of outdoor and indoor poor relief.

The period of triumphant individualism was short lived. Its theories did not correspond with facts. The expected millennium came, perhaps, to the capitalists, but by no means to the workers. The spirit of protest awakened by Robert Owen ; voiced by Dickens and Maurice and Kingsley ; revived, when almost silenced, by the Socialists of our own day, has at last defeated and almost destroyed the hard doctrinaire individualism which once seemed so complacently invincible. In recent years public opinion, under the guidance of accepted authorities, has undergone a total change, and a fourth idea is now dominant.

4. COMMUNAL PROVISION ADAPTED TO SPECIAL NEEDS.

That saving is an impossible panacea for the old age poverty of the veterans of labor has been admitted almost without a dissenting voice by the House of Commons and by all political parties, who are pledged to old age pensions at the earliest possible date. And in this, England is but following the example of more progressive countries. As for children, their lack and not their superabundance is what is now deplored ; and it is beginning to be recognized that the true interests of the State require us to provide the best possible upbringing and education for those children for whom the State is the official foster-parent.

Finally, the Unemployed Workmen Act of 1905 clearly endorses the principle that the poor law is not a proper remedy for the evils of unemployment, and has created machinery by which an attempt is for the first time made to assist unemployed workmen without connecting them with the disgraceful associations and disabilities of the poor law. The dominant idea now is communal provision for every class according to its needs. But the evil traditions of 1834 still widely prevail amongst guardians, and are upheld by a small

but influential clique who still actually style themselves the reform party!

Reorganization of the machinery of the poor law is necessary for many reasons, but perhaps the chief is that here indicated. We want a poor law revolution in order to make a clean sweep of the out of date ideas which still dominate too many of our guardians.

We want, in fact, to adopt

The New Broom Method.

Local government in England is often old-fashioned, but seldom venerable. Some sentiment attaches to our ancient municipal corporations, and to parishes with memorials dating from the middle ages, but the whole complex system of urban and rural district councils and metropolitan boroughs, and, above all, of poor law unions with their undignified officials and their barrack-workhouses, is estimable only in so far as it is useful.

Now recent experience has shown that the old adage, "The new broom sweeps clean," has a very real application to the machinery of local government. Bodies like vestries and boards of guardians acquire ugly vices with age, and their evil habits, their anti-social traditions, become uneradicable. It was not entirely superior virtue or greater ability in the county and borough councils that rendered their substitution for the old school boards so beneficent a revolution. It was due in part to the revolution itself: the mere break in tradition: the substitution of a new set of persons, new officials, new methods, for the ancient fossilized routine. The turning of the old London vestries into metropolitan boroughs, in many cases a change of name with scarcely an alteration in function, has proved a thorough justification of this revolutionary proposal. It is not perhaps practicable to enact that every local authority shall be re-named and re-constituted at intervals of thirty years, in order that it may be obliged to reconstruct its routine and begin a new tradition on up-to-date lines. But, at any rate, it may be laid down as a general rule that there is a presumption against the efficiency and modernity of any piece of government machinery which has run without complete overhauling for more than a generation.

Now of all the departments of local government that need overhauling, the poor law is undeniably the worst. Some seventy years have passed since the boards of guardians as we now know them were constituted. For good and sufficient reasons their vitality was sapped from the first by the rigid control of the central government. A sickly and unpopular youth has led to an untimely old age which is neither wise nor venerable. The guardians of the poor, in their function as guardians, are hated by the poor and disliked by the rich. Their duties are the wholly benevolent ones of providing for those unfortunates who cannot look after themselves. But however the individuals may be esteemed, the institution is disliked and distrusted by the class it is designed to benefit, and by all other classes as well.

It is clearly time that the ancient fabric of the poor law should be handed over to the house-breakers.

Shall the Guardians be Abolished ?

A revolution such as we contemplate does not necessarily mean the abolition of the guardians. A large part of the changes which have transformed English local government have taken the form of reconstruction and the giving of fresh life to antiquated organizations. But there are many reasons, both general and special, why the whole machinery of the poor law as it stands at present should be thrown out on the political scrap-heap.

“Ad Hoc” Election.

In the first place it is now generally admitted that the principle of electing persons for a particular function is a bad one. The business of the elected person is not any speciality, but administration. In practice it is found that the average competent man or woman of affairs, the prominent citizen with wide general experience of life, administers all and any departments of government better than the amateur expert, too often a crank or a doctrinaire dogmatist, who gets himself elected to a body (such as the departed school boards or the still surviving boards of guardians) which is concerned, in the main, with only one department of administration. Experts are excellent advisers but prejudiced and partial judges. Specialists make good servants but bad masters. The elected person, who acts as master, should sit in judgment on the plans and proposals of his officers, and should check the theories of the enthusiast with the wider outlook of the plain man.

Next there is the existing

Confusion of Areas.

Nothing is more repellent to the ordinary citizen, anxious to understand and participate in his local affairs, than the hideous confusion of areas which prevails over large districts, chiefly owing to the disconnection between the union and the other departments of local government. Apart from the poor law, our system of parish, district, borough, and county councils is now fairly simple. Cutting into and across this system come the poor law unions, lumping together portions of a county borough with a rural district from which they are otherwise wholly distinct, and carrying on their own activities without relation to the parishes of which they are composed or the counties and boroughs of which they form a part. How can the busy citizen be expected to concern himself in the election of a body of whose area he is probably ignorant, and whose business is almost entirely the care of the poor, a class in which he hopes and believes that he will never have any direct personal interest? The result is the

Decay of Elections.

Over the general policy of the guardians of the poor no political controversies rise in any sense equivalent to those which usually distinguish liberals, conservatives and socialists, and, in the town and county council elections, the progressive or labor party and the

moderates or conservatives. In the case of the guardians there is very rarely any general difference of policy between any two sections of the community. All electors agree that the poor must be looked after with humanity and care, and that everything possible must be done for their benefit consistent with a due regard for the pockets of the ratepayers. The few debateable questions of poor law administration, turning mainly on the freedom with which outdoor relief is given, are too abstruse to interest the average elector. Hence in the elections of poor law guardians one of three things happens.

Either the election is used as an occasion for the recognized political parties to practise their electoral machinery and to test their strength. The liberals, conservatives, and, perhaps, labor men or socialists, put up candidates with programs practically indistinguishable, and seek to win a victory for free trade, or protection, or labor or socialism, as the case may be. In their place such contests are important, but they do not in practice appreciably affect the administration of the poor law.

Or, secondly, the election may be fought out on personal lines: for some private reason Mr. A attempts to win a seat at the expense of Mr. B. But most commonly the election is a farce. No one knows of or heeds the dates announced, except the sitting member and one or two local wire-pullers. Either the retiring member is re-elected, or else somebody is selected to succeed him, who alone is nominated. Not one elector in 500 is aware that the signature of one or two papers has resulted in the appointment of a guardian of the poor for the next three years.

In London, for example, from particulars given in the *Charity Organization Review* for October, 1905, we learn that in the 1904 election, in 27 out of the 31 unions for which returns were obtained, 122 wards were contested, and in 115 there was no contest at all. In the contested wards less than one-fourth of the electors went to the poll. Assuming that the unsuccessful candidates polled nearly half the votes cast, we may say that the guardians of London were chosen by some 6½ per cent. of the electorate. This is popular election reduced to a farce. Nevertheless the London guardians deal with more important business than any in the country.

Old Age Pensions.

Another special reason for the abolition of the guardians and of the distinctive character of the poor law will arise whenever an attempt is made to prepare a practical Old Age Pensions Bill. Parliament in England, when it faces the question, will legislate on the lines already adopted wherever old age pensions are now the law, that is, it will award the pensions to those who need them, and can make good use of them, and to no others. It may be assumed, therefore, that any Bill must proceed on the lines of the House of Commons Committee Report of 1899 and of the New Zealand pensions law, and not on the lines of absolutely universal pensions promoted by Mr. Charles Booth and others. When it is recollected that in quite round figures the former project will cost at first

£10,000,000 a year and the latter £20,000,000, it is fairly obvious that the former scheme will at any rate precede the latter. It is true that the importance of these sums is quite imaginary, as we are at present allowing hundreds of millions of pounds to go annually in unearned incomes; and an adjustment of the income tax could easily produce the twenty millions without hardshipping any industrious person in the community; but for the moment we must take the British House of Commons as it is, and assume that a ten-million plan will be preferred to a twenty-million plan, and that pensions will not be provided for those who do not need them, or who, through infirmity of character, could not be trusted to make the intended use of them.

Old age pensions are merely a modern form of poor relief. The working classes demand, with extreme insistence, that these pensions should be wholly dissociated from the obnoxious poor law. On the other hand, the House of Commons Committee points out the absurdity of setting up a new machinery for administering pensions, and thus creating two distinct authorities for the two alternative forms of relief, between which there would be endless confusion and waste both of energy and of money. The committee, therefore, reported that pensions must be administered by the poor law authority. Yet anyone even moderately acquainted with working class opinion knows that to entrust old age pensions to the guardians would be so unpopular as to wreck the whole scheme. The obvious and only solution of this difficulty is the abolition of the poor law as a separate department of local government.

Unemployment.

A similar difficulty meets us in connection with unemployment. Here again we have two sets of authorities, one charged with giving relief to the poor, and forbidden by law to give it as wages for work done; another able to pay wages and willing to find work, but unable to co-ordinate that work with the special needs of the unemployed workers, because it has no concern with the relief of destitution.

Hence by the Unemployed Workmen Act, 1905, a clumsy joint machinery has been devised, the best perhaps in the circumstances of the case, but costly and inefficient, and lacking in proper powers.

Feeding School Children.

This suggests a third social problem, which the proposed change will simplify. The provision of meals for underfed children in elementary schools is—like the provision of gratuitous schools themselves—yet another form of relief of the poor, which public opinion utterly objects to treat as within the sphere of the hated poor law.

Women and Guardians.

An objection frequently made to the abolition of the guardians is that women are not at present eligible as county and borough councillors, and, though eligible, are in fact but rarely elected as urban district councillors. It will be said that the change will diminish the

opportunities of public service now open to women, and will tend to remove them from work for which they have special qualifications.

In fact, the present relation of women to boards of guardians is thoroughly unsatisfactory, and drastic changes of some sort are in any case urgently called for.

The vast majority of those poor whose guardians we are considering are women, children, sick, and aged. Able-bodied men form but a fraction of the indoor population of our workhouses, and out-relief to able-bodied men is in most places illegal. The guardians are, therefore, guardians of exactly those classes of whom women by nature, by training, by universal custom are the proper caretakers. It would, therefore, appear to be obvious that no board of guardians should be permitted to act without a substantial number of women members. The number of guardians forming a board varies considerably. Welwyn has only eight elected members and Louth has 102, but the average is probably about thirty-five. In an average board five women, one-seventh of the whole, is the minimum which common sense would allow to represent the female half of the community in controlling matters in respect of which most men are largely ignorant and altogether incompetent.

From very full (though not quite exhaustive) returns furnished by the Women's Local Government Society, it appears that in only 64 out of 645 unions are there as many as five women guardians. In 307 other boards there are four women guardians or fewer; in very many cases there is only one; and on no fewer than 274 boards there is no woman at all, and a board exclusively formed of men has sole control of the women and children, sick and old, under its charge.

It is obvious that in this respect, as in others, the *ad hoc* system does not work properly. Instead of 3,200 women guardians, the least there ought to be, there are only about 1,034. This is partly owing to the difficulties and unpleasantnesses of elections, which women do not care to face; partly because guardians are elected parish by parish or ward by ward, and it is not the business of any one parish or ward to see that the board as a whole is constituted with a due proportion of women.

Co-option of Women.

The electoral system having proved a failure, the obvious remedy is to require the co-option of a proper proportion of women on every poor law authority.

Objection is made to co-option on two grounds, first, that it is undemocratic, and secondly, that co-opted members hold positions of inferiority in influence and authority to the direct representatives of the electors.

In reply to the former objection it may be pointed out that democracy is not an end in itself, but only a means to an end, that end being the good government of the nation, and in less degree, the education of the people in the management of their affairs. In this particular respect, the election of an adequate number of women guardians, the crude democracy of direct election has failed.

But it is wrong to describe co-option as undemocratic. The antithesis of democracy is autocracy or oligarchy: it is rule by some other authority than that of the people. Whether the ruler is chosen by the electors direct, or by their elected representatives, is a matter of detail. Co-option is only an alternative form of democratic government, which is better adapted for some purposes than the commoner form of direct election.

Secondly, it is sometimes said that co-opted members have less authority than elected members. Here, we think, some confusion has arisen between co-opted and ex-officio members. Until a few years ago justices of the peace were ex-officio members of boards of guardians. They attended as representatives of nobody, and as persons appointed by the Lord Chancellor for quite other duties. Naturally their authority was less than that of their elected colleagues. But co-opted members do not, as a rule, thus stand in lower estimation than their fellows. Aldermen of the old municipal corporations and of the new county councils are co-opted just as we propose women should be on the poor law authority. In dignity and precedence they rank in front of the directly elected councillors: in authority and in activity they certainly do not take a second place.

The Solution of the Woman Question.

Our proposal is this. In the first place, women should at once be made eligible as county and borough councillors, both in London and throughout the country. That would give them the right to be directly elected to the authority which would do the poor relief as well as the other public business. Secondly, every such authority should be required to make up by co-option the number of its women members to a minimum of five.

The alderwomen thus co-opted should not sit exclusively for poor law purposes. Now that local authorities control education, women are required not only on the education committee but on the ultimate authority, whether county, borough or large district council.

It is now time to formulate

Our Proposals.

1. All boards of guardians to be abolished.
2. Assessment business to be transferred from the guardians to the county and county borough councils.
3. The local sanitary authority to be made the authority for the Vaccination and Infant Life Protection Acts, and for the making of rates.
4. The county and county borough to become the authority for the indoor poor: to have charge of all institutions, whether workhouses or special schools, asylums, almshouses, cottage homes, hospitals and labor colonies; and the cost of these to be placed on the county rate.
5. The local sanitary authority (that is, the urban and rural district councils and the borough and metropolitan borough councils) to be the authority for administering out-relief.

6. The cost of poor relief to be raised as follows: For the institutional poor in charge of the county or county borough council, over the county or county borough area. For out-relief to the aged (over sixty), for medical relief, and for the permanently incapacitated of any age who can best be treated at home, over the same area. For other out-relief, over the area of the minor local authority awarding it.
7. In London, the Metropolitan Asylums Board to be abolished.

Effects of these Changes.

1. FURTHER EQUALIZATION OF THE RATES.

One of the chief evils of the present system of small rating units is the inequality of the poor rate in the 645 unions. Where poverty is most prevalent, and fewest rich people live, there those just above the poverty line are rated most highly for the support of their scarcely more unfortunate neighbors.

If our proposal were adopted, the number of areas for the greater part of the poor rate would be reduced from 645 to 134, that is, the sixty-three administrative counties, including London, and the seventy-one county boroughs.

Even this amount of equalization would be imperfect, since the problem of such purely working class county boroughs as West Ham would still remain; but we have elsewhere urged* that the boundaries of London and other cities should be enlarged to include all their suburbs, whether rich or poor. The only part of the poor rate not equalized will be such out-relief as is not given to the aged and the permanently incapacitated.

2. EQUALIZED OUT-RELIEF.

The object of the division of out-relief into two classes is obvious. Out-relief, if only to make it geographically accessible to the destitute, must be administered by the local sanitary authority. In county boroughs the distinction is without a difference, since the local sanitary authority and the county are the same. In counties (including London) the local sanitary authority (that is the non-county boroughs, the metropolitan boroughs and the district councils) must themselves administer out-relief because the county is too large an area for its council effectively to control so detailed a service as the management of out-relief in each locality. Relief to the aged and the permanently incapacitated should be charged to the county, because such relief should be liberally given, and no such premium must be placed on indoor as opposed to outdoor relief, as would be the case if the former were charged on the county at large and the latter on the area of the administering body.

Under existing conditions a reasonable degree of liberality to the aged and the permanently incapacitated should be encouraged, and there is absolutely no reason to drive them into costly and objectionable institutions. If the relieving authority administers funds pro-

* Fabian Tract No. 125, "Municipalization by Provinces."

vided not by its own district alone, but by the county as a whole, such liberality will be promoted.

Other forms of out-relief demand far more careful scrutiny. In such cases the relief granted should be regulated by rules, and even within those rules should be levied on the district which the authority represents, because too great care cannot be exercised in the distribution of public funds to those who are incapacitated neither by age nor by permanent illness or infirmity.

3. FURTHER ATTENUATION OF THE LAW OF SETTLEMENT.

Parochial responsibility for the poor was quickly found to involve a law of settlement, which for a full century almost turned English laborers into serfs attached to the soil. Endless litigation amongst the parishes yielded a rich harvest to the lawyers, and no other advantage whatsoever, until the law was gradually relaxed. Until 1866, however, each parish paid separately for its own poor. At that date union rating was introduced, and inter-parochial settlement problems ceased. But still much time and money is wasted by each of the 645 unions corresponding with any others wherein their paupers are located.

Under the proposed system the indoor settlement cases will be reduced at least in proportion to the reduction of separate authorities, that is, as 645 is to 134 or by nearly four-fifths.

Simplification of Local Government Areas.

With the abolition of poor law unions, the regulation of our areas of local government would approach completion. England would then be divided up as follows:

1. Into administrative county and county borough areas. In the latter the county borough council would be the local authority for all purposes.
2. Administrative county areas would be divided into urban areas (non-county boroughs, urban districts and metropolitan boroughs) and into rural districts.
3. Of these the rural districts alone would be further divided into parishes.

The areas of parliamentary electoral districts and those for the administration of justice, including the licensing of public-houses, would not at present exactly correspond with these divisions. Co-ordination of these is desirable, and will no doubt take place, but the problem is by no means so urgent.

Simplification of Function.

The following are a few of many examples of the present confusion of function between existing authorities which will be removed or reduced by the present proposal.

EDUCATION OF CHILDREN.

The county and county borough council is, almost everywhere, the chief authority for education, but pauper children are educated at the expense of the guardians, who often do, and always should,

arrange with the county councils to teach these children in the public elementary schools. Such arrangements, with the consequent payments between two authorities, will be no longer required. The many thousands of State children in the separate poor law schools would be brought into the common educational system. Another matter of complex negotiations between guardians and education authorities is necessitated by the recently introduced system of the provision of food for indigent children at the instance of the education authority but by the poor law authority.

PERSONS OF UNSOUND MIND.

County councils have to provide asylums for the insane and to pay for some of the inmates, while the guardians pay for the others.

SANITATION.

This is supposed to be in the sole control of the local sanitary authority, but medical relief, that is the provision of medical advice for the very poor, is furnished by the guardians. When they adopt the severe policy of reducing all relief to a minimum or of treating medical relief as a loan, the poor are discouraged from seeking prompt professional advice in cases of disease apparently slight, which yet may be infectious, and thus the guardians by their parsimony set at naught the best laid schemes of the sanitary authorities to stamp out zymotic diseases by early notifications and prompt removals to their hospitals.

HOSPITALS.

Here, again, are two competing authorities with any amount of overlapping. For the very poor the guardians provide infirmaries. For the less poor the local sanitary authority builds infectious disease hospitals, and according to modern medicine very few common diseases are now left in the non-infectious category. For these few, and for accidents, though urban sanitary authorities may and ought to supply the need, private charity provides a host of competing institutions with disastrous results in economy and often in efficiency.

UNEMPLOYED.

Finally, for the unemployed, parliament has recently enacted the creation of a new and cumbrous joint authority, consisting of delegates from the guardians and other local authorities, to undertake work which it could not entrust to the administrators of the hated poor law, and yet which could not be done without their co-operation.

The Relief of the Poor.

It is impossible in the present report to deal with the changes in the administration of relief which would naturally and easily follow on the adoption of our proposals. We have only space for the briefest outline.

INDOOR RELIEF.

The transfer to county and county borough councils of the complete oversight of the institutions in which the indoor poor are

maintained will lead at once to a fuller system of classification. In place of a number of workhouses, each with its little inefficient departments devoted to a few grades or classes of the poor, a quite elaborate system will be possible, each type of poor being housed in a separate institution adapted as to staff and regimen to the needs of the inmates. At the same time care must be taken to respect the feelings of those, especially amongst the aged, who desire not to be removed to an unnecessary distance from their old homes, and thus to be deprived of visits from their relatives and friends.

OUTDOOR RELIEF.

The total number of authorities concerned in the arduous and difficult task of awarding out-relief will be increased by the scheme we propose, as urban districts and non-county boroughs now usually forming parts of a union together with contiguous rural parishes, will in future look after their own areas themselves. In county and metropolitan boroughs the number of cases to be considered is very large, and possibly some modification of the plan already in operation in one of the unions of Manchester will be widely adopted. The guardians draw up a very elaborate and carefully thought out scheme of classification of all possible cases, and decide on the form and amount of relief to be granted to each class. The decision on the evidence of the class to which each applicant belongs is entrusted in the main to a well-paid superintendent relieving officer, accompanied, in all cases, by a member of the board, as the stipendiary is assisted by the local justices of the peace. This method secures a much better "standardizing" of the cases, with far more uniformity of treatment, whilst it greatly decreases the labor of the elected persons, guardians at present, councillors in the future. Other innovators favor an adaptation of the "Elberfeld" plan, by which the services of volunteer committees are systematically enlisted to examine and report on applicants for relief.

CASUALS.

The care of casuals has no real connection with the provision for the resident poor. The one is properly local; the other is essentially non-local. It is impossible here to sketch more than an outline of this complex and difficult subject. Briefly it may be said that much of the supervision of the casual should everywhere be formally transferred to the police, as in many places it is already. In rural districts whole classes of crimes are committed almost exclusively by tramps, and any change which gave the police official knowledge of them would be to the good. In rural districts the police should issue orders to tramps entitling them to a night's shelter in the casual ward; and for the casual who is not a tramp, but a workman in search of work, railway tickets and ultimately a separate organization of rest houses, in connection either with his trade union or the local labor bureau, should be provided. The habitual casual is an inevitable product of the fluctuations in employment involved by our competitive industrial system; and it is idle to blame him or to

hope to get rid of him whilst that system lasts; but it is none the less necessary to look very sharply after him, if only to rescue his children from the morally destructive effect of his way of life. And no sentimental fancies about the joys of the open road and the simple happy-go-lucky life of the careless wanderer should blind us to the fact that, as a class, the tramp is considered an unqualified nuisance by those dwellers in the country who have most experience of his habits.

The Saving to the Rates.

The startling feature of poor law administration during the past decade has been its steadily rising cost per person relieved. The growing humanitarianism of the age seems to have conquered the guardians with a rush, and the expenditure on poor relief has gone up by leaps and bounds. Where this money is properly spent on giving greater comfort to the aged, better care to the sick, more education to the children, it is all to the good, but it is by no means certain that a spirit of strange lavishness has not led the guardians into unnecessary expenditure on useless buildings and needless officials. We can only here refer the reader to a careful study of this problem, by Miss Edith Sellers, published in the *Nineteenth Century Review* for September, 1905, under the title of "How the Guardians Spend their Money."

It is, however, fairly certain that the centralization of the management of the poor in the hands of administrators accustomed to large scale business would tend both to economy and to efficiency.

The system so commonly in vogue of compelling the unwilling aged to enter the workhouse by the refusal of out-relief is satisfactory to the self-styled reform school of poor law guardians, but is eminently unsatisfactory to the ratepayer, who has to pay the heavy cost of this unnecessary board and lodging of the unwilling and unhappy veteran.

Diminution of Central Control.

One probable result of the proposed changes would be a marked decrease in the detailed control of the Local Government Board over the doings of the authorities which look after the poor. The cause of this anomaly in our system of local government was clear enough. When every parish was an autonomous and practically irresponsible poor law authority, abuses gradually grew to an enormity almost unparalleled in our history. In order to reform them the government deliberately adopted the new broom policy we have already advocated. But they did not trust the guardians whom they created much more than the parochial authorities which they abolished. A uniform and severe regimen was necessary to cure the social disease which had assumed in various districts very different forms. Vehement local opposition was rightly anticipated to the proposals which parliament had almost unanimously adopted. Resisters of new laws were the reverse of passive seventy years ago, and local autonomy would have been helpless to withstand their violence. The Poor Law Commissioners, the predecessors of the Local Govern-

ment Board, were given therefore almost autocratic power to issue Orders having the force of law, both to unions in general and to particular places, and to interfere in every detail of appointment and dismissal of officials, of capital and ordinary expenditure, and of the actual treatment of the poor. This power was necessary at the time, not only to shelter the guardians from unpopularity, to protect the officials and to ensure the systematic carrying out of the new principles, but also to shield the poor from penurious and inconsiderate guardians.

This power has been generally used in a humane and intelligent spirit. But it is no longer necessary, or, at any rate, will no longer be so when the care of the poor forms one of the normal functions of local government. Such control as is exercised by the Board of Education over the educational affairs will be enough and, perhaps, more than enough. Town and county councils will not require to have their every appointment and every expenditure considered and passed upon by a central government department. The advantage of this change will be great. Central government supervision means delay, and delay involves inefficiency and expense and waste of energy. The time for stereotyped methods is past. Subject to the strict maintenance of a national minimum—and this it is the business of the central government to enforce—we want experiment and variety.

Extinction of Pauperism.

But perhaps the chiefest gain of all will be the complete extinction of "pauperism." This is the object of the self-styled "poor law reform party"; this aim we share with them, but we seek it by means wholly different from theirs.

At present, according to law, there are two distinct classes of Englishmen, citizens and paupers, the independent and the dependent, the rulers and the ruled. But in fact both the theory and the practice of the law have broken down. Modern social and political economy tells us that the real line of demarcation is between those who do or have done service *to* the community which is an adequate return for what they receive *from* the community, and those wasteful, even criminal, classes, both at the top and at the bottom, who live idly at the expense of the rest. The scientific distinction is between workers and drones, not between citizens and paupers.

In practice, too, the old distinction has disappeared. Medical relief no longer carries the disqualifications of pauperism. Gratuitous schooling is no longer pauperism. Treatment in infectious disease hospitals at the cost of the poor rate is not pauperism. Free vaccination is not pauperism. Unemployment relief under the Act of 1905 is specially designed to keep its recipients clear of the hated poor law. Old age pensions, a proposal universally approved, is to be another form of out-relief which is not to make the recipient a pauper. The modern principle, as we have already said, is communal provision adapted to special needs. This provision must not necessarily involve any stigma or electoral disqualification.

The old category of pauper must henceforth be superseded by two new categories. On the one side are the aged, the temporarily unemployed, the children, whether orphans or those rescued by the State from incompetent parents, and the sick. By all, save the hardest, these are already held blameless. They must be cared for by the community according to their several needs. On the other side are those whose destitution is caused merely by the fact that they are idle and incompetent; those who are a tax on the community, for which they never have done a fair share of work and never will. They must be dealt with under some form of the criminal law, since society will soon recognize to the full that to live without working is a crime. In sociology it is as meaningless to make into one class all persons unable to support themselves without recourse to the rates as it would be in zoology to group together in one order all species—birds and bats and butterflies—which *are* able to support themselves in the air.

What is wanted, what these proposals will facilitate, is to wipe from the statute book the whole business of poor law and pauperism. The elaborate statistics which the Local Government Board prepares with such diligence, and which the Charity Organization experts summarize with such satisfaction, have, in truth, little or no meaning, because they lump together persons and classes properly unrelated.

Pauperism must be broken up into its component parts. Each class of State-aided poor must be treated according to its needs. The aged veterans of labor must be kept in comfort in their declining years. The sick must be cured with all the resources of medical and surgical art. The children must be brought up to be skilled and intelligent citizens. The weak-minded and incompetent must be dealt with in farm colonies and in such other ways as are adapted to make the best of them. Finally, the deliberately idle must be set to hard labor, and their social vice, if it may be, sweated out of them.

Already attempts are being made to work on these lines, but they are rendered half-hearted and uncertain because all these different classes are subject to one poor law, and their different needs and deserts are to be met merely by more or less complete "classification of paupers." The ordinary guardian and poor law official regards them all as varieties of the same species, possessing in the main common qualities, ruled by one law, and divided from the rest of mankind by a gulf which must be rendered, as far as may be, impassable.

The application of any rational system of classification no doubt gives rise to endless difficulties in individual cases. Whether idleness and consequent poverty is a fault or a misfortune, whether a man should be held criminally responsible because his brain-power seems to be insufficient to keep him steady at any kind of work, these problems in a thousand forms confront everyone who attempts to lay down rules for the control of other men. But in practice they must be faced, and they are faced. Some conclusion is arrived at,

illogical, perhaps, and indefensible on any cut-and-dried scheme of science or religion. Still a solution which takes into account the facts is always better than the absence of any attempt to arrive at a solution at all.

It may be hard to determine in particular cases whether a man is more helped by sternness or sympathy in the pass to which incompetence has reduced him. But it is clear that an attempt at decision is better than the present system of lumping together the worn-out worker and the man who will not work under the common designation of pauper. The abolition of guardians, then, involves, sooner or later, the abolition of the law they administer as a separate department of government, and the consequent extinction of pauperism as a thing in itself. This alone would be a sufficient justification of the reforms we have outlined.

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